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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,629	12/11/2003	William Wedeward	71073000	1667

7590 09/08/2005

Intellectual Property Department  
DEWITT ROSS & STEVENS S.C.  
US Bank Building  
8000 Excelsior Drive, Suite 401  
Madison, WI 53717-1914

EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/733,629

Applicant(s)

WEDEWARD, WILLIAM

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-20 is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/11/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Examiner notes the Abstract exceeds 150 words.

The disclosure is objected to because of the following informalities:

- Pg. 2, "Summary f the Invention" should be **—Summary of the Invention—**
- Pg. 2, line 22, delete repetitive words, "from the"
- Pg. 10, line 20, "...wishes to realign to board fence 124 to a different angle..." is not clear, Examiner suggest, **--wishes to realign the board fence 124...--**

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

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invention. It is not clear what is referred to by the term, "its", Examiner suggests, --*said cut guide fence member*...--

***Allowable Subject Matter***

Claims 1-5 and 20 are allowed.

Claim 6 would be allowable if rewritten to overcome the 35 U.S.C. 112 rejection(s) above.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or fairly suggest a work surface guide for power tools comprising *an elongated board fence pivotally affixed to and below the inner guide rail* to swing in planes oriented at least substantially in parallel to the inner and outer guide rails in combination with the rest of the claimed limitations as set forth in claims 1, 18 and 20.

The prior art reference, Cameron (6,484,767) discloses a work surface guide for power tools comprising an elongated inner and outer (62) guide rail the outer guide rail aligned at least substantially parallel to the inner guide rail (fig. 1), whereby a power tool may travel on the inner and outer guide rails (col. 3, lines 8-10, 23-32) with a power tool cutting head extending therebetween into a cutting area (fig. 1) defined below and between the guide rails; opposed spaced frame members (51; fig. 2) supporting and extending downwardly from the guide rails to terminate in frame member attachment ends (fig. 1). Cameron discloses one of the frame member attachment ends defining: a downwardly extending vertical leg (51, 90) and a horizontally leg (70) extending from the vertical leg, and also extending away from the inner and outer guide rails (fig. 1), whereby the attachment end defines a mounting mouth (fig. 1) between

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its vertical and horizontal legs, the mounting mouth being adapted to receive a corner edge of a mounting surface therein to support the guide rails (62) above the mounting surface with the cutting area located adjacent the corner edge of the mounting surface; and an elongated board fence pivotally affixed to the base (12). Cameron does not disclose each attachment end defining a downwardly extending leg and horizontal leg. Further Cameron discloses the fence (fig. 1, 14) pivotally attached to the base and *not* pivotally attached to and beneath the inner rail.

Accordingly, Cameron fails to anticipate or render obvious the claimed invention as set forth in claims 1, 18 and 20.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 18 and 20. Therefore claims 1-20 contain allowable subject matter over the prior art of record.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

August 31, 2005